

SEHESTER DECLARATION

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ARISTA RECORDS LLC; ATLANTIC RECORDING CORPORATION; BMG MUSIC; CAPITOL RECORDS, INC.; ELEKTRA ENTERTAINMENT GROUP INC.; INTERSCOPE RECORDS; LAFACE RECORDS LLC; MOTOWN RECORD COMPANY, L.P.; PRIORITY RECORDS LLC; SONY BMG MUSIC ENTERTAINMENT; UMG RECORDINGS, INC.; VIRGIN RECORDS AMERICA, INC.; and WARNER BROS. RECORDS INC.,

Plaintiffs,

v.

LIME WIRE LLC; LIME GROUP LLC; MARK GORTON; GREG BILDSON; and M.J.G. LIME WIRE FAMILY LIMITED PARTNERSHIP,

Defendants,

ECF CASE

06 Civ. 05936 (GEL)

DECLARATION OF THOMAS SEHESTED IN OPPOSITION TO DEFENDANTS' MOTION TO EXCLUDE THE DECLARATIONS OF THOMAS SEHESTED, ANDREW KEMPE, AND KATHERYN COGGON FOR PLAINTIFFS' FAILURE TO DISCLOSE FACTUAL WITNESSES AND IN FURTHER SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

I, **THOMAS SEHESTED**, hereby declare as follows:

1. I am the co-founder and Chief Executive Officer of DtecNet Software ApS ("DtecNet"). I have personal knowledge of the following facts and, if called and sworn as a witness, could competently testify thereto.
2. DtecNet was engaged by the Recording Industry Association of America ("RIAA") on behalf of the plaintiffs in this case after July 18, 2008 to assist in gathering

evidence as to whether copies of the thirty sound recordings ("files") listed in Attachment A to Plaintiffs' Statement of Undisputed Material Facts, dated July 18, 2008 ("Attachment A"), are being shared by LimeWire users.

3. Attached as an Exhibit to my September 9, 2008 declaration was a spreadsheet showing the dates on which DtecNet used Phex, a peer-to-peer client publicly available for download at <http://www.phex.org>, and Bearshare, a peer-to-peer client publicly available for download at <http://www.bearshare.com>, to download copies with identical hashes of each of the files in Attachment A from two different LimeWire users.¹ Due to a corrupted data file, DtecNet re-performed this task. Exhibit A to this declaration is an updated spreadsheet presenting the dates on which DtecNet downloaded copies with identical hashes of each of the files in Attachment A from two different LimeWire users. Exhibit B to this declaration is a CD containing a copy of a sound recording matching each hash provided in Attachment A.

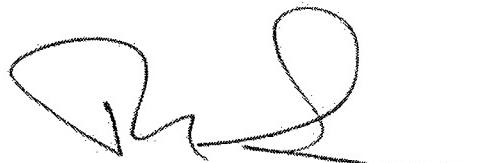
4. DtecNet used Wireshark, a packet capture client publicly available for download at <http://www.wireshark.org>, to document the transfer of those files from the LimeWire user to the DtecNet computer, thus, confirming that the file was downloaded from a LimeWire user. During the transfer of each file in Attachment A, DtecNet utilized Wireshark to "capture" all the data packets transferred between DtecNet's computer and the P2P user. These "packet capture" or ".pcap" files contain all the data

¹ As I stated in my September 9, 2008 declaration, if two files have the same hash, they are identical. The probability of two files, not directly copied from one another, having the same SHA-1 hash (the kind of hash used by LimeWire and DtecNet) is 2^{-63} . (See <http://www.rsa.com/rsalabs/node.asp?id=2927>; <http://blogs.zdnet.com/Ou/?p=409>.) Thus, if two LimeWire users possess a file with identical hashes, one user's file is a copy of the other. (See Sehested 09/09/08 Decl. ¶ 5.)

about the transfer, including the user's IP address and proof that the user transferred the file using a LimeWire P2P client. In addition, the ".pcap" files contain information about the audio file name, the file hash and the date and time the file was downloaded. Exhibit C to this declaration contains a screen-shot example of a ".pcap" file. At the request of plaintiffs, I have reviewed each of the ".pcap" files and I confirm that those files indicate that each of the files downloaded by DtecNet (files with identical hashes to each of the files in Attachment A) were transferred from two different LimeWire users.

I declare under penalty of perjury that the foregoing is true and correct.

December 3, 2008



Thomas Sehested

SEHESTERED DECLARATION

Exhibit A

Copyright Plaintiff	Artist	Song Title	Album Title	SR
Atlantic Recording Corporation	Hootie & The Blowfish	Only Wanna Be With You	Cracked Rear View	193-960
Atlantic Recording Corporation	Matchbox 20	Long Day	Yourself or Someone Like You	227-755
Elektra Entertainment Group, Inc.	Keith Sweat	Games	Didn't See Me Coming	293-086
Electra Entertainment Group, Inc.	Third Eye Blind	Semi-Charmed Life	Third Eye Blind	188-673
Warner Bros. Records, Inc.	Green Day	Pulling Teeth	Dookie	185-457
Warner Bros. Records, Inc.	Linkin Park	Papercut	Hybrid Theory	288-402
Atlantic Recording Corporation	Ray Charles	I Got A Woman	Pre-72	
Electra Entertainment Group, Inc.	The Doors	Light My Fire	Pre-72	
Interscope Records	No Doubt	Dark Blue	Return Of Saturn	279-727
Interscope Records	Wallflowers	Hand Me Down	Breath	214-646
Motown Record Company, L.P.	38 Degrees	Invisible Man	98 Degrees	249-152
Motown Record Company, L.P.	Brian McKnight	Last Dance	Back At One	279-471
UMG Recordings, Inc.	Counting Crows	A Long December	Recovering The Satellites	226-415
UMG Recordings, Inc.	George Strait	Lead On	Lead On	200-310
Motown Record Company, L.P.	Marvin Gaye	You're A Wonderful One	Pre-72	
Capitol Records, Inc.	Everclear	Father of Mine	So Much For the Afterglow	181-328
Capitol Records, Inc.	Maze	Joy and Pain	Joy and Pain	20-598
Priority Records LLC	Snoop Dogg	Slow Down	Da Game Is To Be Sold, Not To Be Told	260-056
Virgin Records America, Inc.	Kelly	Game Show	Kaleidoscope	277-087
Virgin Records America, Inc.	Paula Abdul	Cold Hearted	Forever Your Girl	93-688
Capitol Records, Inc.	The Beach Boys	Surfer Girl	Pre-72	
Alista Records LLC	Alan Jackson	Someday	Don't Rock the Jukebox	138-302
Alista Records LLC	Brooks & Dunn	Lost And Found	Brand New Man	140-290
BMG Music	Lorrie Morgan	He Talks To Me	Leave the Light On	105-180
BMG Music	SWV	I'm So Into You	It's About Time	146-905
Capitol Records LLC	OutKast	Mainstream	Aliens	233-296
LaFace Recordings	Usher	Final Goodbye	Usher	200-154
SONY BMG MUSIC ENTERTAINMENT	Mariah Carey	Anytime You Need A Friend	Music Box	178-631
SONY BMG MUSIC ENTERTAINMENT	Nas	One Love	Illmatic	207-177
SONY BMG MUSIC ENTERTAINMENT	The Byrds	Wasn't Born To Follow	Pre-72	

Copyright Plaintiff	1st Downloaded	File name	File Hash
Atlantic Recording Corporation	11_24_2008	Hootie and the Blowfish- 1 Only Wanna Be With You.mp3	4G716AWYQWUW2LPCKLZFESHP45WVES
Atlantic Recording Corporation	11_22_2008	Match Box 20 - Long Day.mp3	C7357BOPPF6XTL3R7EVVQINFICDCX7
Electric Entertainment Group Inc.	11_28_2008	Keith Sweat - Games.mp3	4ECZUHPSAOOMP72A3VILUD2FJQMCY4DQI
Electric Entertainment Group Inc.	11_20_2008	Third Eye Blind - Semi Charmed Life.mp3	DDGIQAN7TRN2GBLHHEGR7BFIDPKGVF
Warner Bros. Records Inc.	11_20_2008	Green Day - Dookie - 06 - Pulling Teeth.mp3	XCYDL67EYKCOO2Q1GZNSWU5PXXP6II
Warner Bros. Records Inc.	12_01_2008	LinkinPark - Paperclip.mp3	RHKC2EF47LD125M5202LPDQ420DDEGO
Atlantic Recording Corporation	11_22_2008	Ray Charles - I Got A Woman.mp3	7RNNDNBK26QRLC4QVHE6IKORHX3G0PLY7
Electric Entertainment Group Inc.	11_21_2008	The Doors - Jim Morrison - Light My Fire.MP3	ZV05BQOAAZCAXQCKK2S13Z5Z1Q05F7UQ
InterScope Records	12_01_2008	14 - No Doubt - Dark Blue.mp3	HNBW13AWZOH2BB4SH7LK2PG723U2LCY
InterScope Records	11_25_2008	02 - The Wallflowers - Breach - Hand Me Down.mp3	P6GOX17OVY7D1G7RZDQVC77FZH4AAICO
Motown Record Company, L.P.	11_22_2008	98 Degrees - Invisible Man.mp3	4DUVAKAMAZCAXQCKK2S13Z5Z1Q05F7UQ
Motown Record Company, L.P.	12_01_2008	Save The Last Dance soundtrack - Brian McKnight - Last Dance.mp3	VPHD1722CGN7422LGPMWWBIVOCSE5AKJ
UMG Recordings, Inc.	11_21_2008	Counting Crows - A Long December.mp3	NIJRWZ6PS4BFW2GTNH5SN76D12427W7
UMG Recordings, Inc.	11_24_2008	George Strait - Lead On.MP3	IEY2WD1CYCBUSMIMT2A7IGAGLWTOU6C7
Motown Record Company, L.P.	11_30_2008	Marvin Gaye - You're a Wonderful One (1964).mp3	XVW1ZT67NWIEHB2XNU13ASCIBM7VFDW
Capitol Records, Inc.	11_21_2008	Everclear - Father of Mine.mp3	7DN3TCV4NLN3B3AMPSLG4VNCSF7GBA
Capitol Records, Inc.	11_21_2008	Frankie Beverly & Maze - Joy And Pain.mp3	TSD2FJKU5477EJAP0BSFU67LRNIPZ2N
Priority Records LLC	12_01_2008	Snoop Dogg - Da Game Is To Be Sold Not Told - 02_Slow Down.mp3	DSU1CEUCVXVG6QOJYVSUUPWHBTKOIUOHOQI
Virgin Records America, Inc.	12_01_2008	06 - Kelis - Game Show.mp3	GBV1H66KA2XGJCKQW03WZGDVAARVWH
Virgin Records America, Inc.	11_21_2008	Paula Abdell - Cold Hearted Snake.mp3	KQDNV1ZUVUHZCAVDRTKFMID3H5322FKI
Capitol Records, Inc.	11_24_2008	Beach Boys - Little Surfer Girl.mp3	TBOE4W7EKZMRDRW73YAUPRR0K6QA7FH
Arista Records LLC	11_24_2008	alan jackson - someday.mp3	CINAMBIZNLC6U453PZFT5OJATWKNYRB5
Arista Records LLC	11_24_2008	Brooks & Dunn - Lost And Found In A Border Town.mp3	WB4XHZ12HNNW36QLJHN5KETODDXDDK
BMG Music	11_24_2008	Lorrie Morgan - He Talks To Me.mp3	JXDHP27FP5XPXVZH3HPQIJ3DJ4LIGUS
BMG Music	11_25_2008	SWV - I'm So Into You.mp3	LKFQ65VOYSTA1ZSDK7F4MDCZY2BNNSWZ
LaFace Records LLC	11_21_2008	Outkast - ATLiens - 10 - Mainstream.mp3	JS3HAYL12OFUUDVT7ZBSWAYCFH5EPZLZ
Larage Records LLC	11_26_2008	Usher - Final Goodbye.mp3	4FC3VHNWQPWPB4ME3IV5IM4QKVNLTS
SONY BMG MUSIC ENTERTAINMENT	11_21_2008	Mariah Carey - Anytime You Need A Friend.mp3	XKQWBMYGSV6PKXCKH2DLNGZVC33POWY
SONY BMG MUSIC ENTERTAINMENT	11_21_2008	Nas - Illmatic - 07 - One Love.mp3	UAEDGKUUMGQD6WVD4OZ6EVFTSDUEX
SONY BMG MUSIC ENTERTAINMENT	11_21_2008	The Byrds - Wasn't Born to Follow.mp3	2GEYHOX3WQAVTH7RM3LGE6GJV3O3KL

Copyright plaintiff	2nd download date	File name	File hash
Atlantic Recording Corporation	11_24_2008	I Only Wanna Be With You.mp3	4G716AWYQWUW2LPCKLZFEKSHP45VVE5
Atlantic Recording Corporation	11_22_2008	Match Box 20 - Long Day.mp3	CY7357BOPPF6XTL3R7EVQINFIQIDCCX7
Elektra Entertainment Group, Inc.	11_28_2008	Keith Sweat - Games.mp3	4ECZUHPSAOMPT2A3VIUJD2F1QMCYADQI
Elektra Entertainment Group, Inc.	11_21_2008	Third Eye Blind - Semi Charmed Life.mp3	DDG1QAN7TRN2JGBILHEGR7BFIDPKGVF
Mercury Bros. Records Inc.	11_20_2008	Green Day - Dookie - 06 - Pulling Teeth.mp3	XCYDLS7EVVKC00QTGZNISWU5P7XXP6II
Warner Bros. Records Inc.	11_20_2008	Linkin Park - Papercut.mp3	RHCKC2E47LD12SM5M2Q2LP0D042QDDEGO
Atlantic Recording Corporation	11_22_2008	Ray Charles - Got A Woman.mp3	7RNNDNBK26QRLLC4QVH6IKORHJK3G6OPLY7
Elektra Entertainment Group, Inc.	11_21_2008	The Doors - Light My Fire.mp3	ZVD5BQOOAA2WN3N3RY5XUHO6YNKSH2SCRJ
Interscope Records	12_01_2008	14 - No Doubt - Dark Blue.mp3	HNBW13AWZOH2B64SH7LK2PG773U2LCY
Interscope Records	11_25_2008	02. The Wallflowers - Breach - Hand Me Down.mp3	PDGDXL7OVY7D1G7RZDQVC77FZHAAICO
Motown Record Company, L.P.	11_22_2008	98 Degrees - Invisible Man.mp3	4DUVAKAMAZCAXQCKK2S13Z5Z1Q05F7UQ
Monument Record Company, Inc.	12_01_2008	Brian McKnight - Last dance.mp3	VPPHD722CGN74ZL6PNWWRIVOCESE5AK
UMG Recording, Inc.	11_21_2008	Counting Crows - A Long December.mp3	NIJRWZ6FS4BFW2GTNH5SN76D124ZYW7
UMG Recordings, Inc.	11_24_2008	George Strait - Lead On.mp3	IEY2VDC1CYCBUSMIMT274GAGLWTOU6C7
Motown Record Company, L.P.	12_01_2008	Marvin Gaye - You're a Wonderful One (1964).mp3	XVWWJ7T67NWWEH82XNU1BASICBM7VFDW
Capitol Records, Inc.	11_21_2008	Everclear - Father of mine.mp3	7DN3TCV4NLNBM3AMPSLG4VWNCXSE7GBA
Capitol Records, Inc.	11_21_2008	Maze featuring Frankie Beverly - Joy And Pain.mp3	TSD2FJKU5477EJAPOBBSFU67LRNP2ZN
Priority Records LLC	12_01_2008	Snoop Dogg - Da Game Is To Be Sold Not Told - 02. Slow Down	DSU1EUCVXV6Q0IVVSUJPWHBTKDUIUOHQI
Virgin Records America, Inc.	12_01_2008	06 - Kelis - Game show.mp3	GBVUH6649JX2GJCKWQV03WGDVAARVWH
Virgin Records America, Inc.	11_21_2008	Paula Abdul - Cold Hearted Snake.mp3	KQDNMVZUVUHZCZAVDRTKFMID3H5322FKI
Capitol Records, Inc.	11_24_2008	The Beach Boys - Little Surfer Girl.mp3	TBOE4W7EKZMRDWMZ3TAUPRRDK6QA9P7FH
Arista Records LLC	11_22_2008	Alan Jackson - someday.mp3	CINAMB3ZNLG6U453P2FTSOJATWKNYRB5
Arista Records LLC	11_24_2008	Brooks & Dunn - Lost And Found In A Border Town.mp3	WB4RHZ12HNWV36QLUHN5KETODDXDDK
EMG Music	12_01_2008	He Talks To Me.mp3	JXDHPZ7FP5XPXVZA3HPQIJ3DJ4UGUS
CMS Music	11_25_2008	SWV - I'm So Into You.mp3	LKFQ6SV0Y5TA1Z5OK7F4MDCZY2BXNSWZ
LaFace Records LLC	11_21_2008	Outkast - ATLiens - 10 - Mainstream.mp3	JS3HYAU12OFUUDV7ZBSWAYCFH5EPZLZ
LaFace Records LLC	11_25_2008	Usher - Final Goodbye.mp3	4FC3VHNWMPQPWB4AME3IV5M4QKVNLTS
SONY BMG MUSIC ENTERTAINMENT	11_21_2008	Mariah Carey - Anytime You Need A Friend.mp3	XKQWMBMYYGSV6PKXCKKH2DLNGZVC33POIWY
SONY BMG MUSIC ENTERTAINMENT	11_21_2008	Nas - Illmatic - 07 - One Love.mp3	UAEGDJKUUMGQD6WVVD4OZ6EVFTSDU6EX
SONY BMG MUSIC ENTERTAINMENT	11_24_2008	The Byrds - Wasn't Born to Follow - Easy Rider.mp3	2GEYHO3WQAVTH7RM3LGEEG6UV303KL

SEHESTED DECLARATION

Exhibit B

**Sehested 12/03/08
Declaration**

Exhibit B

SEHESTERED DECLARATION

Exhibit C

ream Content

ET /uri-res/N2B urn:sha1:XYVWJZT67NWEIHB2XNJ13ASC1BM7VFDW HTTP/1.1
User-Agent: Phenx 3.2.6.106
Host: 84.196.24.70:28870
Range: bytes=1212416-1228799
<Queue: 0.1
Connection: keep-Alive

HTTP/1.1 206 Partial Content
Server: Limewire/4.13.0 (PRO)
~~Content-Type: application/binary~~
Content-Length: 16384
Date: Mon, 1 Dec 2008 17:40:01 GMT
Content-Disposition: attachment; filename="Marvin%20Gayex%20-%20You%27re%20a%20wonderful%20One%201964.mp3"
Content-Range: bytes 1212416-1228799/2687095
<Gnutella-Content-URN: urn:sha1:XYVWJZT67NWEIHB2XNJ13ASC1BM7VFDW
<Create-Time: 1225615397828
<Features: fwait/0.1, chat/0.1, browse/1.0

9.K.B.g.K}<h>
.q..G...t..pr...|.k(c.OE)<=w.0..7D..VF1...4..G..].|\...\k..og....c.....!.
.00.,1..7..%f..AQHN..jX||.p..VB.....8.T.p....f..O.K....
.4...v..!..6H..Q..H.QD.\$....n...
.G.COU.#Q..s.Go..".K^...3).W.....N..;..V1..~
6.a...xQ....|..d..k..r..#ki.27G....(A.P..A.w.5...U.]
1.[s..w.pu...w..K=...D..w.14...VDC.T)...L..Q...A..9.L.....F.!
4mm....A..BQ...';....) U.P....1....].beh..\$.\
.Q..KA./4....J?....y....ek.xon.....|.S.6ks.....G...m..%
3....Z....y1.*H..A=1..5.r*....X..)-....r.5k.m._w#....n.d..@..r.K....L.%Z.8....0
.J....H...y....x....g.+5....!..6....Z....4?
.R...;>..Q..Q.C.R...].a..k@a\$.r\$..R..H..-..w-I..k.C.C
.aR.

[Save As](#) [Print](#) Entire conversation (2698473 bytes)

ASCII EBCDIC Hex Dump C Arrays Raw

[Filter out this stream](#)